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| 09/819,521 | 03/27/2001 | David Vogt | J1-4-1-A-US | 3926 |
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| FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413 | | | VU, THONG H | |
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DATE MAILED: 11/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,521

Applicant(s)

VOGT, DAVID

Examiner

Thong H. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 16-37, 40-61, 64-85 and 88-96 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 16-37, 40-61, 64-85 and 88-96 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Claims 1-13,16-37,40-61,64-85,88-96 are pending. Claims 1,25,49,73 have been amended. Claims 14,15,38,39, 62,63,86,87 are canceled.

Response to Arguments

2. Applicant's arguments, see pages 26-29 filed 9/26/05 with respect to the rejections of claims 1-13,16-37,40-61,64-85,88-96 under Kikinis-Meng have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Hunt-Blewett.

Specification

3. The summary of the invention is objected to under 37 CFR 1.73 because it is not commensurate with the invention of claimed. The summary describes information related to an unclaimed business method, see First paragraph. This information must be deleted or moved to another section of the specification. The summary also does not describe the invention of currently claimed. Appropriate correction is required.

4. The specification is objected to because the related application information is incorrect. This application connected directly claim the benefit of US Provisional Application Number 60/136,734. The related application information must also be updated to reflect that 09/579,787 is now US Patent Number x,xxx,xxx. The examiner suggests that the related application information be amended as follows:

This application is a continuation-in-part of US Application No. 09/579/787, filed May 26, 2000 and entitled "Method and Apparatus For Surrogate Control of Network-Based Electronic Transactions," which is incorporated herein by reference, which claims the benefit of US Provisional Application No. 60/136,734, filed May 28, 1999, which is incorporated herein by reference.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. Require a supplemental Oath or Declaration.

6. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;*
- (2) if an article, its method of making;*
- (3) if a chemical compound, its identity and use;*
- (4) if a mixture, its ingredients;*
- (5) if a process, the steps.*

Extensive mechanical and design details of apparatus should not be given.

The abstract of the disclosure is objected to because it does not reflect claimed invention.

Correction is required. See MPEP § 608.01(b).

7. Claims 1,25,49 and 73 are objected to because of the following informalities: a first request, a first unit, a first reference, a first javascript function without the second ones. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13,16-37,40-61,64-85,88-96 are rejected under 35 U.S.C. 103(a) as being unpatentable Hunt [6,381,628 B1] over in view of Blewett [5,835,718].

8.

9. As per claim 25, Hunt discloses a proxy server for providing transparent proxy services to a user of a client device, the client device having a browser for retrieving digital content from a data network, wherein the client device, the proxy server and a remote server are connected to the data network, the remote server having a remote server host name [Hunt, a proxy server 55, the remote device 5, Fig 2, transparent, col 13 lines 10-19] the proxy server comprising computer software code for

receiving a first request from the browser for a first Web page, wherein there is a remote server hostname associated with the remote server and the first request includes the remote server hostname for referencing the first Web page;

requesting the first Web page from the remote server [Hunt, Internet; col 7 line 25];

receiving the first Web page from the remote server [Hunt, Internet, col 7 line 25; the remote device 5, Fig 2];

parsing the first Web page for references (i.e.: pointer) to the remote server [Hunt, return an interface pointer to an interface proxy, parse information, col 12 lines 1-40];

identifying a first reference within a javascript construct, wherein the javascript construct [Hunt, Javascript, col 50 line 13], when performed, would force a page reload by the browser [Hunt, the rewriter inserts an entry to load the DLL, col 44 lines 48-67] ;

inserting a first javascript function into the modified remote page for modifying references [Hunt, the rewriter inserts an entry to load the DLL, col 44 lines 48-67];

inserting a call to the first javascript function into the javascript construct, wherein the first reference is encapsulated in the function call [Hunt, encapsulate data, col 1 line 67; function call, col 45 lines 49-65];

modifying at least one reference to the remote server in the first unit of digital content to form a modified first unit of digital content by inserting a surrogate server address (or hostname) into the at least one reference [Hunt, modifies for redirection, col

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33 lines 33-45; surrogate process on the server and its address, inserting or removing location constraints on specific components, col 38 lines 35-67]

Hunt also taught edited or remove metadata [Hunt, edited or remove metadata, col 41 line 5], with surrogate device and remote device [Hunt, surrogate process and remote access, col 52 line 59-67]; and transmitting the modified first unit of digital content to the browser [Hunt, client program, col 11 lines 38-55].

However Hunt does not explicitly detail

removing a remote server hostname from the at least one reference wherein the surrogate server hostname is different from the remote server hostname;

It was well-known in the art that a proxy service will remove or rewrite the host name (address, URL), and it's obvious that the surrogate server hostname (proxy server) is different from the remote server hostname (or the target server) [see Farber, Brothers, Blewett, Mwikalo, Mason, Colyer references]

Therefore it would have been obvious to an ordinary skill in the art at the time to incorporate the teaching of by the proxy server rewriting the URL as taught by Blewett [Blewett, the rewriting of URL, col 4 lines 57-67] into the Hunt apparatus in order to utilize the surrogate or redirection process.

Doing so would provide a mechanism for quickly estimating network characteristics [Hunt, col 4 lines 6-16].

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10. As per claim 26, Hunt-Blewett disclose there is a proxy server hostname associated with the proxy server, and the surrogate server hostname is the proxy server hostname as inherent feature of proxy server.

11. As per claim 27, Hunt-Blewett disclose the computer software code for receiving a second request from the browser for a second Web page, wherein the second request identifies the surrogate server hostname as a source of the second Web page as inherent feature of Internet.

12. As per claim 28, Hunt-Blewett disclose the computer software code for modifying the second request to a modified second request by removing the surrogate server hostname from the second request transmitting the modified second request to the remote server [Hunt, modifies for redirection, col 33 lines 33-45; surrogate process on the server and its address, col 38 lines 35-48]

13. As per claim 29, Hunt-Blewett disclose a web server and the data network utilizes TCP/IP and HTTP protocols, the computer software code for modifying the surrogate server hostname to the remote server hostname in the at least one reference [Hunt, modifies for redirection, col 33 lines 33-45; surrogate process on the server and its address, col 38 lines 35-48].

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14. As per claim 30, Hunt-Blewett disclose a web server and the data network utilizes TCP/IP and HTTP protocols, wherein the at least one reference includes a local path, the computer software code for inserting the surrogate server hostname into the at least one reference in place of the remote server hostname making the remote server hostname server part of the local path of the at least one reference [Hunt, modifies for redirection, col 33 lines 33-45; surrogate process on the server and its address, col 38 lines 35-48].

15. As per claim 31, Hunt-Blewett disclose the computer proxy code for modifying or reversing the characters in the remote server hostname to thereby make the remote server hostname read backwards as inherent feature of proxy server.

16. As per claim 32, Hunt-Blewett disclose the computer proxy code for changing the periods to slashes ("/") in the reversed remote server hostname as inherent feature of proxy server.

17. As per claim 33, Hunt-Blewett disclose the computer proxy code for inserting a separator between the reversed hostname of the remote server and the remainder of the path as inherent feature of proxy server.

18. As per claim 34, Hunt-Blewett disclose the separator comprises a caret ("^") as inherent feature of proxy server.

19. As per claim 35, Hunt-Blewett disclose computer software code for inserting a base reference tag pointing to the surrogate server into the modified remote page [Hunt, modifies for redirection, col 33 lines 33-45; surrogate process on the server and its address, col 38 lines 35-48].

20. As per claim 36, Hunt-Blewett disclose computer software code for determining if a base tag is present in the remote page, and if so, then modifying the base tag to point to the surrogate server by replacing the remote server hostname with the surrogate server hostname as inherent feature of proxy server.

21. As per claim 37, Hunt-Blewett disclose the computer software code identifying a first reference, wherein the first reference is to be displayed by the browser and therefore would be visible to the user, the proxy server code for not modifying the first reference as inherent feature of proxy server.

22. As per claim 38, Hunt-Blewett disclose the computer software code identifying a first reference within a java script construct, the proxy server code for inserting a first java-script function into the modified remote page for modifying references, and inserting a call to the first java-script function into the java-script construct, whereby the first reference is encapsulated in the function call as inherent feature of proxy server.

23. As per claim 39, Hunt-Blewett disclose the java-script construct, when performed would force a page reload by the browser [Hunt, Javascript, col 50 line 13].

24. As per claim 40, Hunt-Blewett disclose the computer software code for identifying a first reference which is associated with any of the following HTML tags: <SRC="">, <HREF="">, <ACTION="">, "<META CONTENT='#;URL'" the computer software code for modifying the first reference as inherent features of HTML.

25. As per claim 41, Hunt-Blewett disclose the computer software code identifying a first reference, wherein the first reference ends with an extension indicating that content identified by the first reference is binary data, the proxy server code for not modifying the first reference as inherent feature of proxy server.

26. As per claim 42, Hunt-Blewett disclose the computer software code for identifying a first reference, wherein the first reference includes a hostname other than the remote server hostname the proxy server code for not modifying the first reference as inherent feature of proxy server.

27. As per claim 43, Hunt-Blewett disclose the computer software code for identifying a first reference, wherein the first reference includes a hostname (i.e.: proxy/surrogate name) other than the remote server hostname and the first reference comprises a link, the computer software code for modifying the reference to provide an error message to

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the user if the user selects the link as inherent feature of software code as inherent feature of the proxy code.

28. As per claim 44, Hunt-Blewett disclose the computer software code for identifying a first reference, wherein the first reference is a relative reference or an absolute reference relative to root, the proxy server code for not modifying the first reference as inherent feature of the proxy code as inherent feature of the proxy code.

29. As per claim 45, Hunt-Blewett disclose the computer software code for receiving a header from the remote server which is of a type which will cause the browser to load a new page, wherein the header includes a first reference including the remote server hostname the proxy server code for modifying the first reference the proxy server code for transmitting the modified header to the browser as inherent feature of the proxy code.

30. As per claims 46,47 Hunt-Blewett disclose the header comprises "Location" , "Content-Location" as inherent feature of the proxy code.

31. As per claim 48, Hunt-Blewett disclose the software code for receiving a header from the remote server which is of a type which will cause the browser to set a cookie, wherein the header includes a first reference including the remote server hostname the

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proxy server code for modifying the first reference the proxy server code for transmitting the modified header to the browser as inherent feature of the proxy code.

32. Claims 1-24; 49-72 and 73-96 contain the identical limitations as set forth claim 25-48. Therefore, claims 1-24; 49-72; 73-96 are rejected for the similar rationale set forth in claims 25-48.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong H. Vu whose telephone number is 571-272-3904. The examiner can normally be reached on 6:00-3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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